

**MINUTES FROM THE
CITY OF IONIA
CITY COUNCIL
REGULAR MEETING
Tuesday, February 6, 2007
7:00 PM, CITY HALL COUNCIL CHAMBERS**

- I.** City Council President, Kim Patrick called the meeting to order and led with the Pledge of Allegiance.
- II. ROLL CALL** – Present: Councilmembers Gordon Kelley, Monica Miller, Kim Patrick, Bruce Roetman, Jim Smith, Jeff Winters, Brenda Cowling-Cronk and Bob O'Mara. Excused: Mayor Dan Balice.

Also Present: Larry Harvey, Chris Kenyon, Dave Bulling, Matt painter, and Lynn Lafler.

III. OPEN PUBLIC HEARING:

Amendment to City Code – Ordinance No. 442 – Outdoor Boilers
Amendment to City Code – Ordinance No. 445 – Board of Zoning Appeals

IV. PUBLIC COMMENTS

V. MONITORING INFORMATION Motion by Roetman and Supported by Winters

1. Approve the minutes from the Regular City Council meeting of January 2, 2007.
2. Acknowledge the minutes from the DDA meeting of January 17, 2007.
3. Acknowledge the minutes from the Planning Commission meeting of January 10, 2007.
4. Approve the payroll for the pay period ending January 10, 2007 of \$140,788.67 and the pay period ending January 25, 2007 of \$112,166.25.
5. Acknowledge the Accounts Payable for the Ionia Theatre for January 2007 in the amount of \$45,587.96.
6. Acknowledge the Accounts Payable for the DDA for January 2007 in the amount of \$9,713.61.
7. Approve the Accounts Payable for the City of Ionia for January 2007 in the amount of \$876,227.11.

ROLL CALL VOTE: Ayes: Smith, Winters, Kelley, Miller, Patrick, Roetman, Cowling-Cronk, O'Mara.
Nays: None. Motion Carried.

VI. CLOSE PUBLIC HEARING:

Amendment to City Code – Ordinance No. 442 – Outdoor Boilers
Amendment to City Code – Ordinance No. 445 – Board of Zoning Appeals

VII. ACTION ITEMS

1. Request for PILOT Agreement – Valley View Phase I

Motion by Smith and Supported by Patrick to permit the record of the February 6, 2007 meeting to reflect the introduction and first reading of Ordinance No. 447, an ordinance granting a PILOT to Valley View Phase I, and to schedule a Public Hearing on the amendment for 7:00 PM, Tuesday, March 6, 2007 at City Hall.

ROLL CALL VOTE: Ayes: Kelley, Miller, Patrick, Roetman, Cowling-Cronk, O'Mara, Smith.
Abstain: Winters. Nays: None. Motion Carried.

2. City Code Amendment – Ordinance No. 442 – Outdoor Boilers

Motion by Roetman and Supported by Winters to remove from the table the matter of Ordinance No. 442, an ordinance which prohibits the placement of outdoor boilers, and permit the record of the

February 6, 2007 meeting to reflect the second reading and adoption of Ordinance No. 442 with the ordinance to be effective seven days after publication in the February 11, 2007 edition of the Sentinel-Standard.

CITY OF IONIA
Ordinance No. 442

AN ORDINANCE TO AMEND THE CODIFIED ORDINANCES OF THE CITY OF IONIA BY ADDING A NEW SECTION WHICH NEW SECTION SHALL BE DESIGNATED AS SECTION 1286.08 OF CHAPTER 1286 – MISCELLANEOUS REGULATIONS OF TITLE SIX – ZONING OF PART TWELVE – PLANNING AND ZONING CODE OF SAID CODIFIED ORDINANCES

THE CITY OF IONIA ORDAINS.

1286.08 OUTDOOR BOILERS.

- (a) Outdoor Boilers, Defined. An outdoor boiler is considered to be an accessory structure consisting of an above or below grade chamber or furnace constructed of metal or other non-combustible material in which wood, wood pellets, grain pellets or other combustible material is burned to heat water or other liquid which is piped aboveground or underground to provide heat for a house or other structure.
- (b) Outdoor Boilers, Prohibited. Outdoor boilers are prohibited in all zoning districts until the State or Federal government enacts rules governing outdoor boilers.
- (c) Outdoor Boilers, Existing. All existing outdoor boilers must be registered with the City Clerk within thirty (30) days after the effective date of this Ordinance. No replacement outdoor boilers shall be installed or put into use within the City.

ROLL CALL VOTE: Ayes: Kelley, Miller, Patrick, Roetman, O'Mara, Smith, Winters. Nays: Cowling-Cronk. Motion Carried.

3. City Code Amendment – Ordinance No. 445 – Board of Zoning Appeals

Motion by Kelley and Supported by Winters to remove from the table the matter of Ordinance No. 445, an ordinance regarding the Board of Zoning Appeals, and permit the record of the February 6, 2007 meeting to reflect the second reading and adoption of Ordinance No. 445 with the ordinance to be effective seven days after publication in the February 11, 2007 edition of the Sentinel-Standard.

CITY OF IONIA
Ordinance No. 445

AN ORDINANCE TO AMEND SECTIONS 1244.01 AND 1244.02 AND TO ADD A NEW SECTION WHICH NEW SECTION SHALL BE DESIGNATED AS SECTION 1244.09 OF CHAPTER 1244 – BOARD OF ZONING APPEALS OF TITLE TWELVE – PLANNING AND ZONING CODE OF SAID CODIFIED ORDINANCES

THE CITY OF IONIA ORDAINS.

Section 1244.01 CREATION; MEMBERSHIP; COMPENSATION is retitled CREATION: COMPOSITION AND MEMBERSHIP; TERMS OF OFFICE; OFFICERS; REMOVAL; COMPENSATION; VACANCIES; QUORUM and is amended to read as follows:

1244.01 CREATION; MEMBERSHIP; COMPENSATION COMPOSITION AND MEMBERSHIP; TERMS OF OFFICE; OFFICERS; REMOVAL; COMPENSATION; VACANCIES; QUORUM.

(a) Creation. There is hereby established a Board of Zoning Appeals, which shall perform its duties and exercise its powers as provided in Section 5 ~~601~~ Act ~~207~~ 110 of the Public Acts of ~~192~~ 2006, as ~~amended the Michigan Zoning Enabling Act~~, and in such a way that the objection of this chapter shall be observed, public safety secured, and substantial justice done. ~~The Board shall consist of seven members appointed by the City Council. Appointments shall be as follows: One member appointed for a period of one year; two members appointed for a period of two years; and two members appointed for a period of three years, respectively; thereafter, each member to hold office for full three year term. Any permanent vacancies in the Board shall be filled by appointment by the Council for the remainder of the unexpired term. The Board of Zoning Appeals shall annually elect its own Chairperson, Vice Chairperson and Secretary. The compensation of the appointed members of the Board of Zoning Appeals may be fixed by the City Council.~~

(b) Composition and Membership. The Board shall consist of five members appointed by the Mayor and confirmed by the City Council. One member shall be a member of the Planning Commission and one member shall be a member of the City Council. The remaining three members shall be selected from the electors of the City. The members selected shall be representative of the population distribution of the various interests present in the City.

(c) Terms of Office. The terms of office for members shall be for 3 years, except for the members serving because of their membership on the Planning Commission or the City Council, whose terms shall be limited to the time they are members of those bodies.

(d) Officers. At its first meeting of each calendar year, the Board shall elect its own Chairperson, Vice Chairperson and Secretary. The Board member who is also a member of the City Council shall not be permitted to serve as Chairperson.

(e) Removal. A member of the Board may be removed by the City Council for misfeasance, malfeasance, or nonfeasance in office upon written charges and after a public hearing. A member shall disqualify himself or herself from a vote in which the member has a conflict of interest. Failure of a member to disqualify himself or herself from a vote in which the member has a conflict of interest constitutes malfeasance in office.

(f) Compensation. Members of the Board shall serve without compensation but shall be entitled to reimbursement for reasonable expenses actually incurred in the discharge of duties if funds are appropriated for such purpose.

(g) Vacancies. A successor shall be appointed not more than 1 month after the term of the preceding member has expired. Vacancies for unexpired terms shall be filled for the remainder of the term.

(h) Quorum. The Board shall not conduct business unless a majority of the members of the Board are present. Three members shall constitute a quorum for the conduct of its business.

Section 1244.02 MEETINGS is amended to read as follows:

1244.02 MEETINGS.

All meetings of the Board of Zoning Appeals shall be held at the call of the Chairperson and at such times as such Board may determine. All hearings conducted by the said Board shall be open to the public. The City Clerk, or his or her representative, shall keep minutes of its proceedings showing the vote of each member upon each question, or if absent or failing to vote, indicating such fact, and shall also keep records of its hearings and other official action. ~~Four members of the Board shall constitute a quorum for the conduct of its business.~~ The Board shall have the power to subpoena and require the attendance of witnesses, administer oaths and compel testimony and the production of books, papers, files and other evidence pertinent to the matters before it.

A new Section 1244.09 entitled APPEAL OF BOARD OF ZONING APPEALS DECISION is hereby added and reads as follows:

1244.09 APPEAL OF BOARD OF ZONING APPEALS DECISION.

Any party aggrieved by a decision of the Board may appeal to the Circuit Court for Ionia County. The Circuit Court shall review the record and decision to ensure that the decision meets the requirements contained in Section 606 of Act 110 of Public Acts of 2006. An appeal of the decision of the Board must be filed with the Circuit Court within 30 days after the Board certifies its decision in writing or approves the minutes of the decision.

ROLL CALL VOTE: Ayes: Miller, Patrick, Roetman, Cowling-Cronk, O'Mara, Smith, Winters, Kelley. Nays: None. Motion Carried.

4. City Code Amendment – Ordinance No. 446 – Codification

Motion by Patrick and Supported by Smith to permit the record of the February 6, 2007 City Council meeting minutes to reflect the introduction and first reading of Ordinance No. 446, the City codification ordinance, and schedule a Public Hearing on the amendment for Tuesday, March 6, 2007 at 7:00 PM in the Council Chambers of City Hall.

ROLL CALL VOTE: Ayes: Patrick, Roetman, Cowling-Cronk, O'Mara, Smith, Winters, Kelley, Miller. Nays: None. Motion Carried.

5. 2007 Sanitary Sewer Cleaning & Televising

Motion by Winters and Supported by O'Mara to accept the proposal submitted by Pollution Control Systems, Kalkaska, Michigan for \$12,100 for completing sewer cleaning and televising work in the City per the bid specifications prepared January 16, 2007 and authorize the City Manager to sign the necessary documents to facilitate this work.

ROLL CALL VOTE: Ayes: Roetman, Cowling-Cronk, O'Mara, Smith, Winters, Kelley, Miller, Patrick. Nays: None. Motion Carried.

6. Berm Drain Pump Valve Replacement – WWTP

Motion by Kelley and Supported by Winters to accept the proposal submitted by Peerless Midwest, Ionia, for \$19,695 for the removal and replacement of 4 – 12" gate valves at the WWTP per their proposal dated February 1, 2007.

ROLL CALL VOTE: Ayes: Cowling-Cronk, O'Mara, Smith, Winters, Kelley, Miller, Patrick, Roetman. Nays: None. Motion Carried.

7. Theatre Project – Award of Bid

Motion by Winters and Supported by Patrick to accept the base bid plus alternate bids submitted by Overbeck Construction, Lowell, in the amount of \$211,800 for improvements to the Ionia Theatre and authorize the City Manager to sign the necessary contract documents.

ROLL CALL VOTE: Ayes: Smith, Winters, Kelley, Miller, Patrick, Cowling-Cronk. Abstain: O'Mara, Roetman. Nays: None. Motion Carried.

8. Certification of Act 51 Street System Mileage

Motion by Miller and Supported by Roetman to authorize the Street Administrator to certify the 2007 Act 51 Street Mileage Map.

ROLL CALL VOTE: Ayes: Smith, Winters, Kelley, Miller, Patrick, Roetman, Cowling-Cronk, O'Mara. Nays: None. Motion Carried.

VIII. INCIDENTAL INFORMATION

Councilmembers to approve accounts payables for February 15, 2007 are Cowling-Cronk and/or Roetman and for March 1, 2007 are O'Mara and/or Miller.

IX. INFORMATION OR ACTION ON LEGAL MATTERS – Nothing to report

X. INFORMATION FROM MAYOR AND CITY COUNCIL

Patrick: On behalf of Mayor Balice, Patrick informed Council of the appointment of Jim Letz to the Board of Review. All in favor via voice vote.

Asked Marilyn Webster for an update on her project: Ms. Webster stated the Barber Shop on Main Street used to be a Post Office, and the small building next to the theatre used to be a saloon.

Complimented John Odette regarding the arson investigation.

Roetman: Concern with sprinkler system fees and asked Chris Kenyon for some input. Mr. Kenyon stated the Fees are being reviewed but current fees are mid-range and based on 1) annual inspections 2) Certification/continuing education for workers to continue to inspect 3) time 4) paperwork for the Audits 5) readiness fee.

XI. ADJOURN

Motion by Patrick and Supported by O'Mara to adjourn the meeting at 8:05 p.m. All in favor via voice vote.

Submitted by:

Karen M. Confer
City Clerk